



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Bruce W. McClendon FAICP
Director of Planning

January 23, 2007

Honorable Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration, Room 383
500 West Temple Street
Los Angeles, CA 90012

PROJECT NO. R2005-00234-(4)
COASTAL DEVELOPMENT PERMIT CASE NO. T20050002-(4)
VARIANCE CASE NO. T200500004-(4)
PARKING PERMIT CASE NO. T200500004-(4)
PETITIONERS: PEOPLE ORGANIZED FOR WESTSIDE RENEWAL &
RICHARD I. FINE
4201 VIA MARINA, MARINA DEL REY
PLAYA DEL REY ZONED DISTRICT
FOURTH SUPERVISORIAL DISTRICT (3-VOTE)

Dear Supervisors:

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING:

1. Sustain the Approval of Project No. R2005-00234-(2), Coastal Development Permit Case T20050002-(4), Variance Case No. T200500004-(4) and Parking Permit Case No. T200500004-(4) as recommended by the Regional Planning Commission.
2. Instruct County Counsel to prepare the necessary findings to Deny the Appeal of Project No. R2005-00234-(2), Coastal Development Permit Case T20050002-(4), Variance Case No. T200500004-(4) and Parking Permit Case No. T200500004-(4).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

- The applicant, Del Rey Shores Joint Venture, filed a Coastal Development Permit to authorize the demolition of an existing 202-unit apartment complex and subsequent construction of a 544-unit apartment in the Residential V category of the Marina del Rey Specific Plan. The proposal consists of twelve

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buildings 75-feet in height (five stories of apartments over two levels of parking) with architectural features extending approximately 25 feet above the roofline; a Parking Permit to utilize compact parking spaces. A total of 1,088 parking spaces will be provided within parking structures on-site, and a Variance for the construction and maintenance of signage in excess of County code requirements. The subject property is located at 4201 Via Marina, Marina del Rey (Marina Parcels 100 and 101).

- The applicant initially requested to pay an affordable housing In-Lieu Fee instead of providing requisite affordable housing units for the proposed apartment. The applicant subsequently withdrew this request and has agreed to provide 54 affordable housing units; these include 17 inclusionary units for very low income tenants and 37 replacement units for moderate income tenants.
- The Regional Planning Commission held four public hearings on this request on January 25, 2006, March 1, 2006, April 19, 2006 and June 7, 2006.
- The first public hearing before the Regional Planning Commission on January 25, 2006, provided an opportunity for the County to reassess its Affordable Housing Policy for Marina del Rey. The County's public policy priorities shifted toward affordable housing on-site in new projects in the Marina.
- On April 4, 2006 the Board of Supervisors adopted a motion that instructed the Chief Administrative Officer to form and lead a task force comprised of the Department of Regional Planning, Community Development Commission and County Counsel, working in conjunction with the Department to Beaches and Harbors. The purpose of this task force was to review the County's current affordable housing policy for Marina del Rey and recommend revisions necessary to ensure consistency with the Mello Act. The Board also directed the task force to report back within 60 days with a revised affordable housing policy for review and further recommendations.
- As further delay would cause a hardship to the applicant, the Board of Supervisors also authorized, as part of its motion, for the Project to proceed prior to formal adoption of the new policy based on the on site replacement and inclusionary unit requirements. The Director of Beaches and Harbors was instructed to discuss onsite low income housing opportunities with the lessee of the project and bring back to the Board within 30 days an amended leasehold agreement, as necessary to ensure the project's consistency with the Mello Act.

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- Following provisions of the Mello Act, the applicant conducted a detailed income survey of existing apartment tenants residing on the subject property to determine whether any of the existing dwelling units were eligible for replacement pursuant to Mello Act requirements. Based upon this analysis, the applicant determined that 38 units qualified as replacement units. The applicant also proposed 17 inclusionary units in addition to the 38 replacement units. The 38 replacement units were proposed for moderate income households; the 17 inclusionary units were proposed for very low income households.
- County Department of Regional Planning (DRP) and Community Development Commission (CDC) staff independently reviewed, and determined valid, the methodology and results of this tenant income survey. The CDC determined that 37 replacement units were required. The Commission also analyzed the Applicant's tenant income survey methodology and results and found the methodology and the 37 replacement units and 17 inclusionary units to be valid and in full compliance with the requirements of the Mello Act.
- Under California Environmental Quality Act (CEQA) guidelines, an Environmental Impact Report (EIR) was prepared to evaluate potential impacts associated with the project. The Draft Environmental Impact Report (DEIR), dated September 2005, identified five potential impacts: aesthetics, air quality, geotechnical/soil resources/environmental safety, hydrology and water quality, noise, traffic/access, water service, sewer service and solid waste disposal. Recommended mitigation as presented in the Mitigation Monitoring Plan (MMP) address potential project impacts.
- The Commission found that the project complies with policies of the Marina del Rey Land Use Plan and provisions of the Marina del Rey Specific Plan as incorporated in the Marina del Rey Local Coastal Program
- The Regional Planning Commission approved the request and certified the environmental document on December 13, 2006.

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IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Commission action does not conflict with the County's Strategic Plan Goals. The project provides affordable housing for moderate and very low income families consistent with the goal of Children and Families' Well-Being. Public Safety goals are augmented through conditions of approval and the Mitigation Monitoring Plan.

FISCAL IMPACT/FINANCING

Approving the aforementioned Coastal Development Permit, Variance and Parking Permit should not result in any new costs to the County or to the Department of Regional Planning; no request for financing is being made.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The applicant, Del Rey Shores Joint Venture, filed a Coastal Development Permit to authorize the demolition of an existing 202-unit apartment complex and subsequent construction of a 544-unit apartment in the Residential V category of the Marina del Rey Specific Plan. The subject property is located at 4201 Via Marina, Marina del Rey (Marina Parcels 100 and 101). The proposal consists of twelve buildings 75-feet in height (five stories of apartments over two levels of parking) with architectural features extending approximately 25 feet above the roofline; a Parking Permit to utilize compact parking spaces. A total of 1,088 parking spaces will be provided within parking structures on-site, and a Variance for the construction and maintenance of signage in excess of County code requirements.

The applicant initially requested to pay an affordable housing In-Lieu Fee instead of providing requisite affordable housing units for the proposed apartment. The applicant subsequently withdrew this request and has agreed to provide 54 affordable housing units; these include 17 inclusionary units for very low income tenants and 37 replacement units for moderate income tenants.

The Regional Planning Commission held four public hearings on this request on January 25, 2006, March 1, 2006, April 19, 2006 and June 7, 2006. The first public hearing before the Regional Planning Commission on January 25, 2006, provided an opportunity for the County to reassess its Affordable Housing Policy for Marina del Rey. The County's public policy priorities shifted toward affordable housing on-site in new projects in the Marina.

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On April 4, 2006 the Board of Supervisors adopted a motion that instructed the Chief Administrative Officer to form and lead a task force comprised of the Department of Regional Planning, Community Development Commission and County Counsel, working in conjunction with the Department to Beaches and Harbors. The purpose of this task force was to review the County's current affordable housing policy for Marina del Rey and recommend revisions necessary to ensure consistency with the Mello Act.

As further delay would cause a hardship to the applicant, the Board of Supervisors also authorized, as part of its motion, for the Project to proceed prior to formal adoption of the new policy based on the on site replacement and inclusionary unit requirements. Following provisions of the Mello Act, the applicant conducted a detailed income survey of existing apartment tenants residing on the subject property to determine whether any of the existing dwelling units were eligible for replacement pursuant to Mello Act requirements. Based upon this analysis Based on the foregoing criteria, the applicant determined that 38 units qualified as replacement units. The applicant also proposed 17 inclusionary units in addition to the 38 replacement units. The 38 replacement units were proposed for moderate income households; the 17 inclusionary units were proposed for very low income households.

The County Department of Regional Planning (DRP) and the Community Development Commission (CDC) staff independently reviewed, and determined valid, the methodology and results of this tenant income survey. In a letter dated May 30, 2006, to the Regional Planning Commission, the Los Angeles County CDC confirmed that it had conducted an audit of the tenant survey information submitted by Del Rey Shores. The CDC hired an independent consulting firm DRA, Incorporated, to review all files with CDC staff. While the audit determined that the replacement unit estimate was correct, there was further discussion regarding the counting of tenants covered by a rental agreement. It was subsequently determined that if only those tenants covered by a rental agreement are included, this would result in 37 replacement units; 37 moderate income replacement units were recommended.

Throughout the hearing process, staff received letters and e-mails in favor and opposition to the request. Opposition comments included concerns about height and visual impacts, excessive density, increased traffic congestion, noise, traffic safety, impacts on local character, inadequate parking, impacts on local schools and hospitals, potential overcrowding of the proposed units, accuracy of the environmental document and objections to the original in-lieu fee request. Concerns were also expressed regarding the proposed grading, provision of a fire safety plan, compliance with the Mello Act and the county reviews of pending projects in

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consistency with the Marina del Rey LCP. Another request was made to postpone the decision on the project until the county had addressed California Coastal Commission comments in its periodic review of the Marina del Rey LCP. Most opposition letters had addresses on Via Dolce, located within the city of Los Angeles.

The Commission determined that the applicant had responded satisfactorily to each of the above issues: environmental issues were adequately addressed in the Mitigation Monitoring Plan; the provision of affordable was reviewed by County Departments and found compliant with Mello Act Requirements and the applicant also provided further information in testimony responding to remaining issues. The Commission determined that the project was compliant with all applicable provisions of the Marina del Rey Local Coastal Program. Furthermore, a periodic review of a Local Coastal Program by the California Coastal Commission does not constitute a moratorium on development projects in Marina del Rey.

The Regional Planning Commission approval was appealed by People Organized for Westside Renewal and Richard I. Fine on January 11, 2007.

ENVIRONMENTAL DOCUMENTATION

Under California Environmental Quality Act (CEQA) guidelines, an Environmental Impact Report (EIR) was prepared to evaluate potential impacts associated with the project. The Draft Environmental Impact Report (DEIR), dated September 2005, identified five potential impacts: aesthetics, air quality, geotechnical/soil resources/environmental safety, hydrology and water quality, noise, traffic/access, water service, sewer service and solid waste disposal. Recommended mitigation, presented in the Mitigation Monitoring Plan (MMP) address potential project impacts.

The Commission determined that the remaining, unavoidable environmental effects of the project have been reduced to an acceptable level and are outweighed by specific health and safety, economic, social and/or environmental benefits of the project as stated in the findings and in the Environmental Findings of Fact and Statement of Overriding Considerations adopted by the lead agency for the project, which findings and statement are incorporated herein by reference.

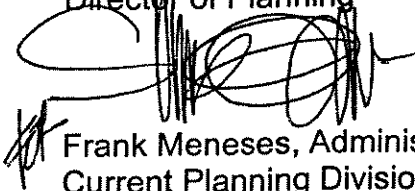
IMPACT ON CURRENT SERVICES

Action on the proposed Coastal Development Permit, Variance and Parking Permit is not anticipated to have impacts on current services.

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Respectfully Submitted,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning



Frank Meneses, Administrator
Current Planning Division

FM:RJF

Attachments: Commission Letter of Approval, Staff report and Attachments, Factual

C: Chief Administrative Officer
County Counsel
Assessor
Director, Department of Public Works